United Nations S/2002/1070

Security Council

Distr.: General
25 September 2002

Original: English

Letter dated 24 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Togo submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-60736 (E) 101002 151002

Annex

[Original: French]

Letter dated 20 September 2002 from the Permanent Representative of Togo to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In accordance with the provisions of paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001, I have the honour to transmit to you herewith the report of the Government of Togo on the implementation of that resolution (see enclosure).

(*Signed*) Roland Y. **Kpotsra**

Enclosure

Report on measures taken by Togo pursuant to paragraph 6 of Security Council resolution 1373 (2001) concerning counter-terrorism

The terrorist attacks perpetrated against the United States of America on 11 September 2001 have once again demonstrated the need for the international community to work together with energy and determination to deal with the growing security problems facing the world.

The Government of Togo, which has based its foreign policy on the maintenance of international peace and security, is strongly convinced that no sustainable development initiative can be successfully carried out if violence overcomes dialogue, consultation and mutual respect and if the world continues to be faced with terrorist acts such as the tragedy of 11 September 2001. The Government is more determined than ever to play its part in the implacable coordinated campaign which the international community has decided to wage against terrorism, particularly through the implementation of Security Council resolution 1373 (2001) of 28 September 2001.

Togo, which has itself been subjected to terrorist attacks on several occasions, is firmly convinced that the prevention and suppression of terrorism in all its forms are more than ever among the priority areas for action by the international community, particularly through the strengthening of international cooperation and the implementation of existing conventions.

Togo has never failed to express its repugnance for all violent acts and terrorist activities and it will therefore continue its efforts, within the framework of Security Council resolution 1373 (2001), to combat the scourge of terrorism and contribute to its worldwide eradication, despite the country's limited resources.

I. Strong condemnation of terrorism and constant reaffirmation of the need to deal with it resolutely

Togo has always expressed its condemnation of terrorist acts, which have never helped to strengthen the ideals of peace, solidarity, justice and tolerance.

This firm position, which is but a corollary to Togo's rejection of recourse to violence as a means of expression in international relations, has been frequently reaffirmed by the national authorities of Togo, as was the case following the events of 11 September 2001.

In his message dated 11 September 2001 to President George W. Bush of the United States of America, just a few hours after the terrorist attacks, President Gnassingbé Eyadema condemned that shameful attack as follows:

> "We strongly condemn these terrorist acts, which constitute a real threat not only to the security of the United States of America, but also to international security and world peace.
>
> "It is unacceptable that the United States of America, which is currently making inestimable efforts to restore peace and stability wherever they are

endangered, should be subjected to criminal attacks on this scale, attacks which are tantamount to a declaration of war."

The Head of State of Togo went on to state that "the perpetrators and planners of these crimes must be sought out, identified and severely punished by the competent United Nations bodies".

Reiterating the position of the Government of Togo, which unequivocally rejects any dealings with terrorism, the Minister for Foreign Affairs and Cooperation stated, on the occasion of the general debate during the fifty-sixth session of the General Assembly: "The joint combat against international terrorism in all its manifestations and wherever necessary, is a task of great importance for the entire international community, because no one is safe from this scourge".

The Minister further stated: "This fight should not be understood as a confrontation between civilizations, cultures or religions", and he emphasized that: "Identifying the true causes of this scourge and finding appropriate solutions to combating it — this is the true challenge that we must meet".

The Government of Togo therefore unreservedly supports Security Council resolution 1373 (2001), which urges the international community to combat the phenomenon of terrorism. Togo is determined to contribute to its eradication.

II. Measures taken by Togo pursuant to Security Council resolution 1373 (2001)

A. Security measures adopted

1. Measures taken to prevent the commission of terrorist acts and, in particular, early warning mechanisms established to enable information to be exchanged with other States

In the context of the Government's efforts to improve security and, in particular, to combat terrorism, a number of measures have been taken and meticulously implemented by the Gendarmerie throughout Togolese territory.

These measures include:

- Continuous surveillance of Togolese territory with particular emphasis on vulnerable areas. This activity is facilitated by the coverage of the entire country by law enforcement units in all localities;
- Constant information-gathering activities;
- The establishment of day and night patrols in the major towns;
- Strengthened security measures around foreign embassies and the offices of international organizations.

The exchange of information with other States takes place mainly:

- Through Interpol;
- At intergovernmental meetings;

– Through cooperation between Togolese frontier units and those of neighbouring countries.

Efforts have also been made to revive mechanisms for the gathering and exchange of information established in the context of subregional and regional cooperation agreements to which Togo is a party.

These agreements are:

– The agreement on mutual administrative assistance in matters relating to customs, trade and immigration, concluded between Benin, Ghana, Nigeria and Togo, signed at Lagos on 10 December 1984;

– The agreement on cooperation in criminal law enforcement matters between the same four countries, signed on 10 December 1984;

– The convention on cooperation and assistance in matters relating to security between the States members of the Council of the Entente (Benin, Burkina Faso, Côte d'Ivoire, Niger and Togo), signed at Kara on 15 February 1996;

– The convention on cooperation and mutual assistance in matters relating to justice between the States members of the Council of the Entente, signed at Yamoussoukro on 20 February 1997;

– Convention A/P1/8/94 of the Economic Community of West African States (ECOWAS) on extradition, signed at Abuja on 6 August 1994;

– The non-aggression protocol between the States members of ECOWAS, signed at Lagos on 22 April 1978;

– The protocol on mutual assistance in matters relating to defence, signed at Freetown on 29 May 1981 within the framework of ECOWAS;

– Convention A/P1/7/92 on mutual assistance in criminal matters between the States members of ECOWAS, signed at Dakar on 1 July 1992;

– The protocol concerning the mechanism for conflict prevention, management and resolution, peacekeeping and security between the States members of ECOWAS, signed at Lomé on 10 December 1999.

2.1 Togolese frontier controls and their impact on the movements of terrorists

Two forms of control are carried out at the country's borders: checks of documents and checks of individuals.

(a) Checks of persons take the form of not only body searches but also searches of luggage. These thorough searches can reveal the presence of any suspicious objects which could be used for terrorist purposes.

More thorough searches are carried out at the country's two airports, with the use of electronic detectors.

(b) As for documents, apart from checks on their authenticity, the rules for the issuance of visas require that all those wishing to stay in Togo for more than seven days should report to the Immigration Service, where they are identified and registered.

2.2 Procedures followed for the issuance of travel documents

The issuance of travel documents is subject to systematic verification of the authenticity of all the supporting documents submitted. In addition, applicants are checked personally against the description given in the documents. This allows for suspicious cases to be studied in greater depth by the Service for Research and Investigation of the Gendarmerie.

The above measures apply to the issuance of residence permits, which are used from time to time by certain individuals of foreign nationality as supporting documents in order to obtain entry visas for Western countries.

2.3 Measures aimed at preventing the forgery of documents

The new measures already in force or planned in Togo are aimed at preventing any possibility of forgery of Togolese travel documents.

The new passports in circulation since January 2000 are highly secure documents prepared in accordance with the standards of the International Civil Aviation Organization (ICAO). They are machine-readable and impossible to forge.

Furthermore, the new system which has been developed for the issuance of passports is based on a national database.

With regard to residence permits, those currently in force have adequate security safeguards.

There is also a project, almost in its final phase, which will allow for the preparation of much more secure, machine-readable residence permits. This system will also have the advantage of being based on a national database including all foreigners entering Togo.

3. Measures aimed at intensifying and accelerating the exchange of operational information in the areas indicated in paragraph 3 (a) of Security Council resolution 1373 (2001)

Exchanges of operational information in the areas indicated in paragraph 3 (a) of the above resolution take place mainly through collaboration with Interpol and accredited diplomatic representatives in Togo and consultation of the central archives of the police or Gendarmerie services of certain friendly countries such as France and the United Kingdom of Great Britain and Northern Ireland.

Moreover, working relationships and exchanges between Togolese border units and those of neighbouring countries, which are constantly developing, enable all types of cross-boundary offences and crimes, including terrorism, to be rapidly detected.

4. Measures aimed at strengthening exchanges of information and cooperation on the administrative and judicial levels with a view to preventing acts of terrorism

The prevention of acts of terrorism has been facilitated by the following administrative and judicial measures:

- Active efforts at all border posts and throughout the national territory to seek out any individual identified as being implicated in acts of terrorism or as having a link with terrorist organizations;

- Participation in inter-State meetings of representatives of the Ministries of Justice, of the Interior and of Defence of other countries, in particular in the West Africa subregion;

- Regular meetings between the commanders of Togolese border units and their counterparts from neighbouring countries with a view to the exchange of information on all types of criminal activities.

5. *Measures taken with a view to cooperation, through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist acts and take action against perpetrators of such acts*

Within the framework of the international commitments which it has made, the Government of Togo is endeavouring to ensure close and active cooperation between the police and Gendarmerie services at the national level.

To that end, the Gendarmerie units inform the Ministry of the Interior of all the proceedings initiated by them with a view to sharing that information with the central police archives and, in particular, with Interpol.

In addition, cross-border police cooperation has led to exchanges of information on criminal acts and offences.

B. Measures relating to the signature or ratification of international instruments relating to the fight against terrorism

Prior to the adoption of Security Council resolution 1373 (2001), Togo had signed and ratified the following conventions and protocols:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

In order to comply with the requirements of Security Council resolution 1373 (2001), the Government is currently proceeding to ratify or accede to the other existing conventions and protocols.

The procedure for that purpose as set out in the Constitution has nearly been completed and the Government will soon be in a position to deposit its instruments of ratification or accession to the following conventions and protocols.

The legal instruments authorizing completion of those formalities were adopted by the Government on 23 January 2002 and by the National Assembly on 14 February 2002.

These conventions are:

- Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 26 October 1979;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997;
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

The same applies to the OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999.

In addition, with a view to ensuring strict implementation of the aforementioned international instruments, the Government of Togo is working to bring its domestic legislation into line with the main provisions of these conventions and protocols.

III. Conclusion

The prevention and suppression of acts of terrorism is, more than ever, a challenge to which the international community must give a high priority.

To that end, Togo reiterates its commitment to full cooperation in the implementation of all initiatives undertaken, with respect for the provisions of the Charter of the United Nations, with a view to the elimination of terrorism, in particular through the strict implementation of the provisions of Security Council resolution 1373 (2001) of 28 September 2001.

It is clear, however, that certain requirements arising out of that resolution, such as the need to bring domestic legislation into line with the provisions of international juridical instruments, cannot be achieved without substantial international support.

It would also appear self-evident that efforts undertaken at the national and subregional levels with a view to reducing the illicit proliferation of small arms and light weapons — an important contributing factor to crime and terrorism — cannot be successful without adequate resources and support.